

HOUSE BILL NO. 384

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute--Delegate Davis)

A BILL to amend the Code of Virginia by adding sections numbered 2.2-2902.2 and 15.2-1512.4:1, relating to administration of government; rights of state and local employees; freedoms of conscience and expression.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 2.2-2902.2 and 15.2-1512.4:1 as follows:

§ 2.2-2902.2. Rights of employees of the Commonwealth to conscience and expression.

A. An employee of the Commonwealth shall not be penalized by his employer for failing to speak a particular message if such speech would violate the employee's deeply held beliefs, values, or conscience. However, no employee shall have such protection with regard to (i) any obligation of an employee to communicate lawfully required directives, notifications, warnings, or disclaimers or (ii) requirements essential to the actual carrying out of an employee's primary job duties.

B. An employee of the Commonwealth shall not be penalized by his employer for expressing opinions in favor of or opposition to a regulation, rule, policy, position, or other action or purpose of a unit of state government in his personal capacity as a member of the public and on his personal time.

C. For the purposes of this section, "employee of the Commonwealth" does not include any person appointed to a position in a unit of state government.

§ 15.2-1512.4:1. Rights of local government employees to conscience and expression.

A. An employee of any unit of local government shall not be penalized by his employer for failing to speak a particular message if such speech would violate the employee's deeply held beliefs, values, or conscience. However, no employee shall have such protection with regard to (i) any obligation of an

27 employee to communicate lawfully required directives, notifications, warnings, or disclaimers or (ii)
28 requirements essential to the actual carrying out of an employee's primary job duties.

29 B. An employee of any unit of local government shall not be penalized by his employer for
30 expressing opinions in favor of or opposition to a regulation, rule, policy, position, or other action or
31 purpose of a unit of local government in his personal capacity as a member of the public and on his
32 personal time.

33 C. For the purposes of this section, "employee of any unit of local government" does not include
34 any person appointed to a position in a unit of local government.

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